



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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TO: Members, Assembly Committee on Corrections and Courts

FR: Attorney General J.B. Van Hollen

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RE: Testimony Supporting 2009 Assembly Bill 364, Relating to Council on Offender Reentry

While I did not endorse the recent changes to sentencing laws for a number of reasons that do not need to be repeated here, I do believe that the Special Committee on Justice Reinvestment Initiative Oversight and the Legislature were correct when they identified the need to reduce recidivism and the appropriateness of using data to identify what efforts at reducing recidivism are most effective. To be sure, some convicted criminals will not be deterred from future criminal acts. For others, however, programming inside and outside prison can sometimes help reduce the chances that offenders will reoffend. Finding out what works and why it works identifies how the criminal justice system and Department of Corrections can efficiently use resources, and hopefully will lead to an increase in public safety.

One of the reasons I believe that the Justice Reinvestment Initiative's work was incomplete and only the start of a public policy dialogue was it did not appear that the Department of Corrections tracked or provided the type of information that would allow the Council on State Governments to offer data-informed policy options.

To remedy this, in part, the Budget Bill created the "Council on Offender Reentry". I, or my designee, will be one of the Council's 22 members. Among the Council's important roles is to solve this data-gap – or at least identify its existence – by "[i]dentify[ing] and review[ing] existing reentry policies, programs, and procedures to ensure that each policy, program, and procedure is based on evidence of success in allowing an offender to reenter the community, improve the chances of successful offender reentry into the community, promote public safety, and reduce recidivism."

The Council is to report on the progress of its work to the Legislature and others. Wis. Stat. § 301.095(8), (11). Through the exercise of his partial veto power, however, the Governor limited the information that the Council is required to provide the Legislature, information intended to help policymakers make better resource-allocation and other decisions. This bill modestly aims to restore that portion of the bill affected by the partial veto by specifying that the Council's annual report is to include information such as the impact the Council's work has had on recidivism and the implementation of a "reentry strategic plan".

I believe that by specifying the items to be reported, the Council will more likely focus its efforts at getting the Legislature the information it desires. Part of the Legislature's purpose in creating the Council, after all, is for the Council to act as the Legislature's eyes and ears. Absent specific direction, a council of this size which meets infrequently is more likely to be unfocused. And while the Council is not vested with the power to implement the structure needed to move the Department of Corrections to develop data that can be used to fuel data-driven solutions, by having an entity outside the Department of Corrections seek this sort of information, the Legislature can be better apprised of what data-gaps exist, and hopefully better advised the next time corrections reform is considered.

I respectfully encourage the Committee to support this bill.